

Remark

Applicant respectfully requests reconsideration of this application as amended. No have been amended. No claims have been added or canceled. Therefore, claims 1-4, 6-8, 10-11, 13, 17-18, 20-21 and 23 are now presented for examination.

35 U.S.C. §103 Rejection,

Boatman in view of Colton

The Examiner has rejected claims 1-4, 6-8, 10-11, 13, 17-18, 20-21 and 23 under 35 U.S.C. 103 (a) as being unpatentable over Boatman, et al., U.S. Patent No. 5,892,690 ("Boatman") in view of Colton, et al., U.S. Patent No. 6,239,722 ("Colton"). The Applicant respectfully submits the following argument pointing out significant differences between Boatman in view of Colton and claims 1-4, 6-8, 10-11, 13, 17-18, 20-21 and 23 of the present invention.

Boatman discloses an environment monitoring system. According to the teaching of Boatman, sensors monitor an environment, and they communicate the collected data to a remote database for further analysis. Furthermore, the remote database monitors several environments and does comparative data processing as well. In contrast, claim 1 of the present invention requires one or more devices being monitored by a central computer that is connected to a remote database. Thus, there is an analogy mismatch as explained in the prior response.

The Examiner points out that Boatman does not teach smart devices, the usage information comprising statistical data regarding the specific use of the smart devices,

and the control signal functionally operating the smart devices, as required by claim 1.

Furthermore, the Applicant would like to point out that Boatman also does not teach the remote database containing information specific to the smart devices, and receiving this information from the database as required by claim 1.

The Examiner claims that Colton teaches the elements not taught by Boatman. However, as understood by the Applicant, Colton is directed to a utility monitoring system for reading utility metering devices 40, such as gas meters, from a central location. Thus, the metering devices in Colton are analogous to the sensors in Boatman. The sensors measure air quality, and the metering devices measure electricity/gas consumption per environment. Therefore, the analogy mismatch pointed out for Boatman applies to Colton. First, Colton does not teach or suggest collecting usage information in the same manner that Boatman does not teach or suggest it. The metering devices taught by Colton collect passive quantity measurements, not the type of smart device-functionality related usage information, e.g. how long the smart device has been in operation, required by claim 1.

Furthermore, Colton also does not teach or suggest “transmitting a control signal from the computer to the one or more devices, the control signal being generated by the computer based on the information received from the remote database, wherein the control signal functionally operates the one or more devices” (emphasis added), as required by claim 1. However, Colton only teaches that the utility company may communicate with its customers using the metering devices. The section also teaches providing communication-based services by using the metering devices, such as “outage restoral monitoring, and customer consumption readings on request.” These services

involve communication, but they do not teach or suggest transmitting a control signal to affect the functioning of the devices.

Sending data, in the form of a customer report, or monitoring a condition, such as an outage, does not teach or suggest a control signal the way that phrase is used in claim 1 of the present invention. The difference is easily demonstrated. The control signal in claim 1 would, for example, encompass a signal in a metering device monitoring system, which, would be sent by the remote facility upon detecting an outage condition, and which would cause power to be restored at the customer premises without human intervention. Even then, the control signal would not be sent based on information from a remote database, so even such a signal may not fully anticipate claim 1. Colton, however, does not teach or disclose such a system with such a signal.

Furthermore, Colton does not teach or suggest that the remote database contains information specific to the smart devices. The control station 12 in Colton may have specific information about the data collected by the various meters, but that is not information about the device monitored. For example, the control station may know the average gas use of a home but it does not know how much gas a specific gas-using device, such as an oven, can use before a control-signal to self-clean should be sent. This example further illustrates the conceptual differences between Boatman and Colton and claim 1 of the present invention.

Thus, various limitations of claim 1 are not taught or suggested by Boatman in view of Colton. Independent claims 10 and 20 include similar limitations as claim 1, and are therefore also distinguishable over Boatman in view of Colton based on the above arguments. The dependent claims adding further limitations to independent claims 1, 10,

and 20 are therefore also allowable. Thus, all claims remaining in the application should now be allowed.

35 U.S.C. §103 Rejection,

Launey in view of Ardalan

The Examiner has rejected claims 1, 10 and 20 under 35 U.S.C. 103 (a) as being unpatentable over Launey et al., U.S. Patent No. 5,086,385 ("Launey") in view of Ardalan et al., U.S. Patent No. 6,237,722 ("Ardalan"). The Applicant respectfully disagrees, and submits the following arguments in support of his position.

As understood by the Applicant, Luaney is directed to a home automation system that allows a tenant to program VCRs, use touch-screen and voice controls, and similar automated features. The Examiner admits that Luaney does not teach or suggest smart devices, the usage information comprising statistical data regarding the specific use of the smart devices, and the control signal functionally operating the smart devices, and the computer accessing the remote database to transmit the usage information as required by claim 1. Furthermore, the Applicant would like to point out that Luaney also does not teach the remote database containing information specific to the smart devices, and receiving this information from the database as required by claim 1.

The Examiner claims that Ardalan teaches the elements not taught by Luaney. The Applicant would like to point out that the Patent No. attributed to Ardalan by the Examiner is the Patent No. of Colton, Ardalan is U.S. Patent No. 6,363,057. Further confusing the Applicant is that the Examiner refers to Ardalan at col. 45-48 and col. 50-52. However, the copy of the Ardalan patent submitted by the Examiner has only 10

columns. For the purpose of this response, the Applicant will assume the Ardaland reference submitted by the Examiner is correct and will proceed to discuss it.

Ardaland, as understood by the Applicant, is directed to utility metering, same as Colton. Thus, Ardaland also does not teach or suggest the usage information comprising statistical data regarding the specific use of the smart devices and the control signal functionally operating the smart devices. Furthermore, Ardaland also does not teach or suggest the remote database containing information specific to the smart devices, and receiving this information from the database as required by claim 1. Ardaland, as understood by the Applicant, merely teaches connecting metering devices to a remote control station, same as Colton, with the TCP/IP WAN 10 being the control station 12 and the NON-TCP/IP LAN 30 being the servicing group 24.

Therefore, claims 1, 10, and 20 are distinguishable over Luaney in view of Ardaland and are thus allowable.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

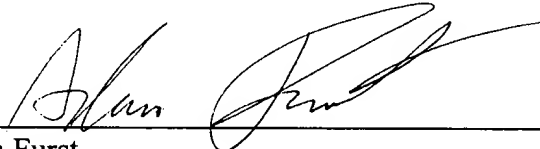
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

7/22/02



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